

REMARKS

The rejection of all pending claims (excluding claim 5) is based on the rejection of claims 1-4 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kuhr et al (US 5,234,042) in view of Japan 513 (JP 2002-240513) and at least one of Himuro 384 (US 5,885,384) and Europe 971 (EP 1075971). This rejection is respectfully traversed for the following reasons.

Per rejection in the Final Office Action, one skilled in the art would look to replace the staggered rib notches of the straight sided central rib of Kuhr with the crevices 28 of Japan 513 for improved water drainage. Using the teachings of Japan 513 wherein the highest side of the crevice 28 is the treading-in side and there is no circumferential overlapping of the staggered crevices 28 on each side of the rib, the tread of Kuhr as modified by Japan 513 would resemble that shown in Exhibit 1 (attached). In the modified tread, all of the crevices are directly adjacent the juncture of the lateral grooves 28, 29 and the circumferential grooves 35, 36 on each side of the center rib 34.

The Office Action then further suggests modifying the axially innermost points of the blocks 32, 33 of Kuhr to be chamfers to further improve rigidity and drainage as taught by Himuro and EP 971. However, simply chamfering the axially innermost edges 32a, 33a of the blocks of Kuhr as modified by Japan 513 still fails to arrive at the recited invention as the rib chamfers and the block chamfers are not aligned.

To overcome this deficiency in Kuhr, it is stated 1) that Japan 513 suggests locating the rib chamfers axially adjacent the axially innermost corners of blocks and 2) Himuro / EP 971 suggest chamfering the axially innermost corners of blocks which are adjacent to the center rib; thus per the rejection, it would have been obvious to one skilled in the art to form the crevices of Kuhr as modified axially adjacent the ends of the ribs 32, 33. Applicants respectfully disagree.

Japan 513 teaches that the crevices 28 should be adjacent the transverse grooves 20 so that water may flow from the crevices 28 to the transverse grooves 20, but there is no suggestion that the crevices 28 must be adjacent the innermost corners of the formed blocks 22. There are many block edges that do not have a crevice 28 located adjacent thereto. In the tire of Kuhr as modified by Japan 513 as shown in Exhibit 1, the crevices are already located adjacent the lateral grooves 28, 29 and thus water is already directed to flow from the crevices 28 to the grooves 28, 29 as taught by Japan 513. To hold that the tire of Kuhr as

modified above must be further modified by locating the rib chamfer adjacent any block chamfer is actually contrary to the desired teachings of Japan 513. Thus, one skilled in the art modifying the tire of Kuhr per the teachings of Japan 513 would not seek to relocate the chamfers adjacent the rib ends as this would be not be necessary to gain the benefits of improved water flow and may be seen as potentially reducing water flow.

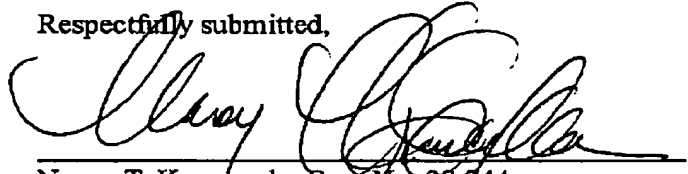
Regarding Himuro 384 – the only embodiment showing chamfers in a central rib and an adjacent block is Figure 3. In this embodiment, the central rib does not have straight sides as taught by Kuhr, but an extremely branched configuration and due to the exact grooving configuration shown, chamfering of the center rib edge is likely done to maintain an openness to the lateral groove 26. One skilled in the art reviewing Himuro 384 would find absolutely nothing relevant to the tire of Kuhr as modified above by Japan 513, especially as the rib chamfers are axially outward of the block tip chamfers. Even in the zig-zag center rib configurations of Kuhr (figs 1, 2, 7, and 8), the edges of the center rib do not extend axially into the slant grooves and past the side blocks. To attempt to use this reference in such a rejection shows an extreme attempt of hindsight use of a reference to make an argument fit the claim language.

Regarding EP 971, the same argument as set forth above for Japan 513 is relevant herein. In the tire of Kuhr as modified by Japan 513 as shown in Exhibit 1, the crevices are already located to direct water flow from the crevices 28 to the grooves 28, 29 as taught by EP 971. To hold that the tire of Kuhr as modified above must be further modified by locating the rib chamfer adjacent any block chamfer is actually contrary to the desired teachings of EP 971. Thus, one skilled in the art modifying the tire of Kuhr per the teachings of Japan 513 would not seek to relocate the chamfers adjacent the rib ends as this would be not be necessary to gain the benefits of improved water flow and may be seen as potentially reducing water flow. Again, the use of hindsight in cherry picking references in an attempt to recreate Applicants claim is questioned.

It is requested that this rejection, and the manner in which the references are applied therein, be reconsidered and withdrawn.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



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Exhibit 1

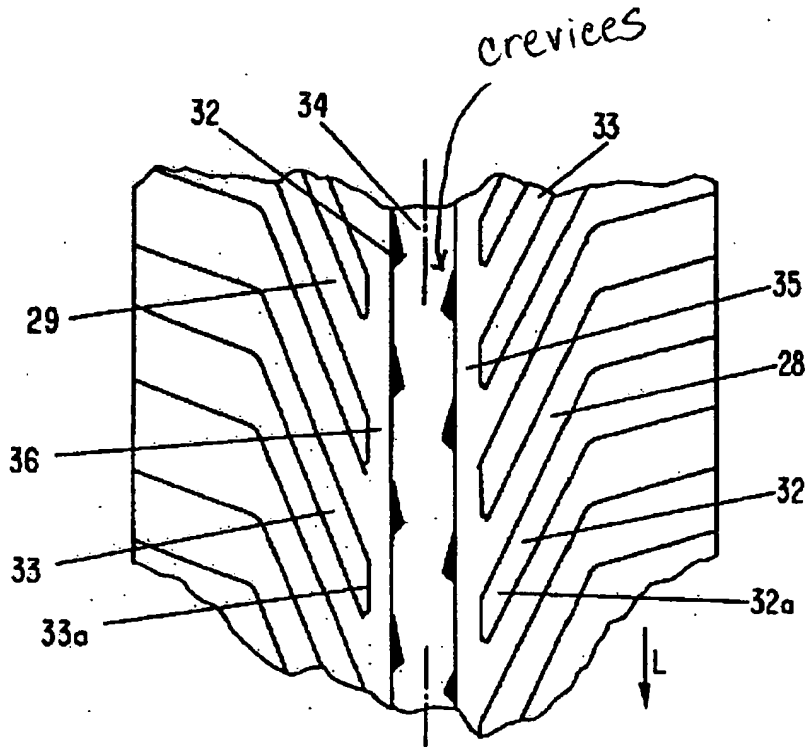


FIG-3

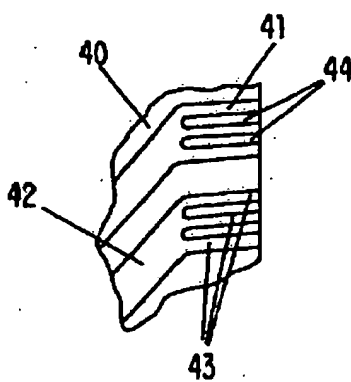


FIG-4

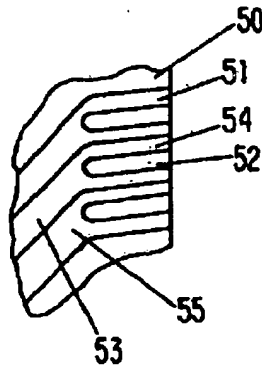


FIG-5

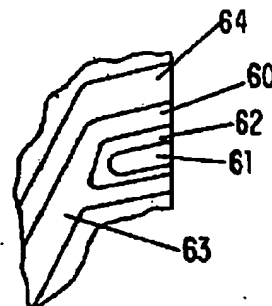


FIG-6